

AMENDED IN SENATE APRIL 8, 2008

AMENDED IN SENATE MARCH 25, 2008

**SENATE BILL**

**No. 1520**

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**Introduced by Senator Kehoe**

February 22, 2008

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An act to amend ~~Sections 13168 and 13325 of~~ *Section 13168 of*, and to add *Section 13396.8* to, the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1520, as amended, Kehoe. Water quality: ~~Regional~~ regional boards.

(1) *Under existing law, the State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality in accordance with the Porter-Cologne Water Quality Control Act (the act) and the federal Clean Water Act. The act requires a regional water quality control board to submit its annual budget to the state board for review.*

*This bill would require each regional board, in addition to submitting an annual budget to the state board, to also submit its annual budget to the legislative budget committees for review.*

(2) *The act requires the state board to adopt the California Enclosed Bays and Estuaries Plan for enclosed bays and estuaries. The act requires the state board and the regional boards, in consultation with the Office of Environmental Health Hazard Assessment and the Department of Fish and Game, to develop and maintain a comprehensive program to identify and characterize toxic hot spots, as defined, plan for the cleanup or other appropriate remedial or mitigating actions at the sites, and amend water quality control plans and policies to incorporate strategies to prevent the creation of new toxic hot spots*

*and the further pollution of existing hot spots. The act requires the state board to adopt sediment quality objectives for specified toxic pollutants and to submit to the Legislature a consolidated statewide toxic hot spots cleanup plan. The act requires each regional board to reevaluate and revise waste discharge requirements for dischargers who have been determined to have discharged all or part of the pollutants that have caused a ranked toxic hot spot.*

*The bill would require the state board, if it determines that the San Diego Regional Water Quality Control Board has failed to adopt a final order for the adoption of sediment quality objectives and a program of implementation for a specified cleanup and abatement order that would become operative with respect to San Diego Bay on or before January 30, 2009, to assume jurisdiction and control of those personnel and other resources of the regional board that the state board determines to be necessary to complete the adoption and implementation of a final order at the earliest possible date.*

~~(1) The Porter-Cologne Water Quality Control Act requires the State Water Resources Control Board, in consultation with other entities, to prepare a program to implement the state's nonpoint source management plan that includes the adoption and enforcement of waste discharge requirements that require the implementation of best management practices.~~

~~Existing law requires regional water quality control boards to submit their annual budgets to the state board for review. Existing law also requires regional boards to coordinate with various entities with respect to water quality control matters, including providing assistance in waste disposal programs, investigating and reporting on any technical factors involved in water quality control, requesting enforcement by appropriate federal, state and local agencies of their respective water quality control laws, recommending projects to the state board when financial assistance may be available through the state board, reporting to the state board and the appropriate local health officer any case of suspected contamination within the region, and encouraging coordinated regional planning and action for water quality control.~~

~~This bill would require each regional board, in addition to submitting annual budget to the state board, to also submit its annual budget to the legislative budget committees for review.~~

~~This bill would require the state board to assume control over the operations of a regional board if the regional board fails to perform any of its enumerated obligations.~~

~~Because this bill would expand the required reporting duties of the regional boards, it imposes a state-mandated local program.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13168 of the Water Code is amended to  
2 read:

3 13168. The state board shall allocate to the regional boards  
4 from funds appropriated to the state board the part thereof as may  
5 be necessary for the administrative expenses of those boards. The  
6 regional boards shall submit annual budgets to the state board and  
7 to the legislative budget committees for review. Subject to the  
8 provisions of Chapter 3 (commencing with Section ~~13291~~) of Part  
9 3, Division 3, Title 2 of the Government Code and ~~13291~~) of Part  
10 3 of Division 3 of Title 2 of the Government Code and any other  
11 laws giving the Department of Finance fiscal and budgetary control  
12 over state departments generally, the state board shall prepare an  
13 annual budget concerning its activities and the activities of the  
14 regional boards.

15 SEC. 2. ~~Section 13225 of the Water Code is amended to read:~~

16 ~~13225. Each regional board, with respect to its region, shall~~  
17 ~~do all of the following:~~

18 ~~(a) Coordinate with the state board and other regional boards,~~  
19 ~~as well as other state agencies with responsibility for water quality,~~  
20 ~~with respect to water quality control matters, including the~~  
21 ~~prevention and abatement of water pollution and nuisance.~~

22 ~~(b) Encourage and assist in waste disposal programs, as needed~~  
23 ~~and feasible, and upon application of any person, advise the~~  
24 ~~applicant of the condition to be maintained in any disposal area or~~  
25 ~~receiving waters into which the waste is being discharged.~~

26 ~~(c) Require as necessary any state or local agency to investigate~~  
27 ~~and report on any technical factors involved in water quality control~~  
28 ~~or to obtain and submit analyses of water, provided that the burden,~~  
29 ~~including costs, of those reports shall bear a reasonable relationship~~  
30 ~~to the need for the report and the benefits to be obtained therefrom.~~

31 ~~(d) Request enforcement by appropriate federal, state and local~~  
32 ~~agencies of their respective water quality control laws.~~

1 ~~(e) Report rates of compliance with the requirements of this~~  
2 ~~division.~~

3 ~~(f) Recommend to the state board projects which the regional~~  
4 ~~board considers eligible for any financial assistance which may~~  
5 ~~be available through the state board.~~

6 ~~(g) Report to the state board and appropriate local health officer~~  
7 ~~any case of suspected contamination in its region.~~

8 ~~(h) File with the state board, at its request, copies of the record~~  
9 ~~of any official action.~~

10 ~~(i) Take into consideration the effect of its actions pursuant to~~  
11 ~~this chapter on the California Water Plan adopted or revised~~  
12 ~~pursuant to Division 6 (commencing with Section 10000) and on~~  
13 ~~any other general or coordinated governmental plan looking toward~~  
14 ~~the development, utilization, or conservation of the water resources~~  
15 ~~of the state.~~

16 ~~(j) Encourage coordinated regional planning and action for water~~  
17 ~~quality control.~~

18 ~~(k) In consultation with the state board, identify and post on the~~  
19 ~~Internet a summary list of all enforcement actions undertaken by~~  
20 ~~that regional board and the dispositions of those actions, including~~  
21 ~~any fines assessed. This list shall be updated at least quarterly.~~

22 ~~(l) If a regional board fails to comply with the provisions set~~  
23 ~~forth in this section, the state board shall assume jurisdiction over~~  
24 ~~all operations of that regional board.~~

25 *SEC. 2. Section 13396.8 is added to the Water Code, to read:*

26 *13396.8. If the state board determines that the San Diego*  
27 *Regional Water Quality Control Board has failed to adopt a final*  
28 *order for the adoption of sediment quality objectives and a program*  
29 *of implementation for Cleanup and Abatement Order No.*  
30 *R9-2005-0126 that would become operative with respect to San*  
31 *Diego Bay on or before January 30, 2009, the state board shall*  
32 *assume jurisdiction and control of those personnel and other*  
33 *resources of the regional board that the state board determines to*  
34 *be necessary to complete the adoption and implementation of a*  
35 *final order at the earliest possible date.*